

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

CITIZENS CLEAN ELECTIONS COMMISSION

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 20, Citizens Clean Elections Commission
Article and its heading: 2, Enforcement
Section numbers: R2-20-200 through R2-20-229
- 2. Subject matter of the proposed rule:**
The rules will be adopted to carry out the purposes and provisions of the Citizens Clean Elections Act set forth in A.R.S. §§ 16-940 to 16-961.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel to whom persons may communicate regarding the rule:**
Name: Linda J. Beier, Administrative Counsel
Address: 4001 North 3rd Street, Suite 200
Phoenix, Arizona 85012
Telephone: (602) 200-0013
Fax: (602) 200-8670
E-mail: beier_linda@pop.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
This will appear in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Rules are expected to be proposed within 60 days of filing this Notice.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 5, Department of Health Services - Child Care Facilities
Article and its heading: 2, Facility Licensure
7, Certification of Day Care Group Homes
- 2. Subject matter of the proposed rule:**
CHILD CARE FACILITIES

A.R.S. §§ 36-881 through 36-891.01 provide the Department with statutory authority to license and regulate child care facilities. Title 9, Chapter 5, Article 2 contains requirements for initial and renewal license applications including time-frames; registration and fingerprinting; services classifications; changes affecting licensure; inspections and investigations; and denial, revocation, or suspension of licensure.

Laws 2000, Chapter 77, amend A.R.S. §§ 36-881 through 36-891.01 by including a definition of “substantial compliance”, incorporating “substantial compliance” into the licensing requirements, and amending requirements for posting, fingerprinting, records inspection, civil penalties, and intermediate sanctions. Laws 2000, Chapter 251, § 10 amends the fingerprint requirements in A.R.S. § 36-883.02. The proposed rules incorporate the corresponding necessary rule changes to ensure consistency with the statutory changes in Laws 2000, Chapters 77 and 251.

Arizona Administrative Register
Notices of Rulemaking Docket Opening

The Department is also proposing to increase licensing time-frames as a result of tracking the established time-frames since the current rules' effective date, October 17, 1997.

CHILD CARE GROUP HOMES

A.R.S. §§ 36-897 through 36-897.08 provide the Department with statutory authority to certify and regulate child care group home. Title 9, Chapter 5, Article 7 currently contains requirements for initial and renewal certification, applications, registration and fingerprinting; services classifications; changes affecting certification, inspections and investigations; and denial, revocation, or suspension of certification and do not meet current rulemaking style and format requirements. The Department plans to establish overall time-frames, administrative completeness review time-frames, and substantive review time-frames for initial and renewal applications for child care group home certification and update the rules to comply with current rulemaking format and style requirements.

In addition, Laws 2000, Chapter 77, amend A.R.S. §§ 36-897 through 36-897.08 by including a definition of "substantial compliance", incorporating "substantial compliance" into the certification requirements, and amending requirements for posting, fingerprinting, records inspection, civil penalties, and intermediate sanctions. Laws 2000, Chapter 251, § 10 amends the fingerprint requirements in A.R.S. § 36-897-03. The proposed rules incorporate the corresponding necessary rule changes to ensure consistency with the statutory changes in Laws 2000, Chapters 77 and 251.

The agency docket number, if applicable:

RE-020-00

3. A citation to all published notices relating to the proceeding:

None

4 The name and address of agency personnel to whom persons may communicate regarding the rule:

Name: Kathleen Phillips, Rules Administrator

Address: Department of Health Services
1740 West Adams, Suite 102
Phoenix, Arizona 85007

Telephone: (602) 542-1264

Fax: (602) 542-1090

OR

Name: Lourdes Ochoa, Program Manager
Assurance and Licensure Services
Child Care Licensure

Address: 1647 East Morten, Suite 230
Phoenix, Arizona 85020

Telephone: (602) 674-4220

Fax: (602) 861-0674

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted until the close of record which has not yet been determined. If a public hearing is scheduled for these rules, oral public comments may be presented at that time.

6. A timetable for agency decisions or other action on the proceeding, if known:

Not known at present.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION - MOTOR VEHICLE DIVISION

1. Title and its heading: 17, Transportation

Chapter and its heading: 4, Department of Transportation - Motor Vehicle Division

Article and its heading: 4, Motor Carriers

Notices of Rulemaking Docket Opening

Section numbers:

R17-4-401, R17-4-402, Table 1, R17-4-403, R17-4-403.01, R17-4-403.02, R17-4-403.03, R17-4-403.04, R17-4-403.05, R17-4-403.06, R17-4-403.07, R17-4-403.08, R17-4-403.09, R17-4-403.10, R17-4-403.11, R17-4-403.12, R17-4-403.13, R17-4-404, R17-4-404.01, R17-4-404.02, Illustration 1, R17-4-404.03, R17-4-404.04, R17-4-405, R17-4-405.01, R17-4-405.02, Illustration 2, Illustration 3, R17-4-405.03, R17-4-405.04, R17-4-405.05, Table 2, R17-4-405.06, Table 3, R17-4-406, R17-4-406.01, R17-4-406.02, R17-4-406.03, R17-4-406.04, R17-4-407, R17-4-408, Appendix D, R17-4-409, Appendix B, R17-4-410, R17-4-411, Appendix C, Appendix E, R17-4-412, R17-4-413, R17-4-414, R17-4-420, R17-4-421, R17-4-422, R17-4-423, R17-4-424, R17-4-425, R17-4-426, R17-4-427, Appendix A, and other Sections that the agency may consider necessary.

2. Subject matter of the proposed rule:

Under authority of A.R.S. § 28-1103(B) and in collaboration with the Overdimensional Permit Advisory Council as prescribed under A.R.S. § 28-1150(C)(3), the Arizona Department of Transportation is rewriting its entire body of administrative rules regulating statewide overdimensional permits. Broad-based regulated-industry involvement is encouraged and invited in this rulemaking.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel to whom persons may communicate regarding the rule:

Name: George R. Pavia, Department Rules Supervisor

Address: Arizona Department of Transportation
Administrative Rules Unit, Mail Drop 507M
3737 North Seventh Street, Suite 160
Phoenix, Arizona 85014-5017

Telephone: (602) 712-8446

Fax: (602) 241-1624

E-mail: gpavia@dot.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Oral or written comments will be accepted by the officer at the location listed in item 4 between 8:00 a.m. and 4:30 p.m., Monday through Friday, except legal holidays.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. Title and its heading: 18, Environmental Quality

Chapter and its heading: 4, Department of Environmental Quality, Safe Drinking Water

Articles and their headings: 8, Technical Assistance (New Article)

Section numbers: To be determined

2. The subject matter of the proposed rule:

The purpose of this rulemaking is to develop statements of general applicability that implement, interpret or prescribe law or policy, and describe the Department's procedure and practice requirements related to drinking water system technical assistance. The Department plans to include Sections on definitions, eligibility requirements, types of technical assistance, and other related topics.

3. A citation to all published notices relating to the proceeding:

None

Arizona Administrative Register
Notices of Rulemaking Docket Opening

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Kathryn D. Stevens
Address: Arizona Department of Environmental Quality
3033 North Central Avenue (M0248A)
Phoenix, AZ 85012
Telephone: (602) 207-4653
Fax: (602) 207-4634

OR

Name: Sean P. McCabe
Address: Arizona Department of Environmental Quality
3033 North Central Avenue (M0836A)
Phoenix, AZ 85012
Telephone: (602) 207-2225
Fax: (602) 207-2251

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will publish a Notice of Proposed Rulemaking in the *Arizona Administrative Register*, at which time it will accept comments until the close of record date referenced in the Notice. All comments should be in writing and submitted to the attention of the agency personnel referenced above. The Notice will also contain information on the time and place of any proceedings scheduled by the Department at which oral comments may be made.

6. A timetable for agency decisions or other action on the proceeding, if known:

It is anticipated that a Notice of Proposed Rulemaking will be filed with the Office of the Secretary of State for publication in the *Arizona Administrative Register* by February 2001, and that a Notice of Final Rulemaking will be filed for publication by August 2001. Contact the agency personnel named above for the current status of the rulemaking; the personnel can also arrange for interested parties to inspect the proposed rule; written submissions on the proposed rule; the economic, small business and consumer impact statement; and the minutes of any pertinent council meeting.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 8, Department of Environmental Quality - Waste Management
Articles and their headings: 16, Best Management Practices for Petroleum Contaminated Soil
Section numbers: R18-8-1601, R18-8-1602, R18-8-1603, R18-8-1604, R18-8-1605, R18-8-1606
R18-8-1607, R18-8-1608, R18-8-1609, R18-8-1610, R18-8-1611, R18-8-1612
R18-8-1613, and R18-8-1614 (Section numbers may be added, deleted or modified to address the subject matter of the proposed rule).
- 2. The subject matter of the proposed rule:**
This rulemaking is to amend the definition of petroleum contaminated soils to be consistent with the Soil Remediation Standards rule and A.R.S. § 49-851. In 1996, the state legislature amended A.R.S. § 49-851(A)(3) to change the criteria that defined Petroleum contaminated Soils. In 1998, the state legislature amended A.R.S. § 49-761(I) to clarify that rules adopted under that subsection describe environmental nuisances. Accordingly, ADEQ must make revisions to Sections R18-8-1601, R18-8-1602, R18-8-1603, and R18-8-1604. In this proposed rulemaking, ADEQ is making a determination that the predetermined nonresidential SRLs are the levels that if exceeded would cause petroleum contaminated soils to be classified as special waste. In addition, ADEQ intends to transfer Article 16 from Chapter 8 to Chapter 13, which necessitates ADEQ also making changes to internal references in R18-8-1605, R18-8-1608, R18-8-1609, R18-8-1610, R18-8-1611, R18-8-1612, and R18-8-1613. Also, ADEQ intends to make various substantive amendments in the rules that clarify:

Arizona Administrative Register
Notices of Rulemaking Docket Opening

1. The generator's responsibilities in relation to special waste PCS.
2. The criteria for a containment system.
3. Requirements for an accumulation site.

ADEQ also intends to make various technical changes and changes to conform to style manual directives, other statutory changes, and program policies.

The agency docket number, if applicable:

Not Applicable

3. A citation to all published notices relating to the proceeding:

There were 3 previous Notices of Docket Opening which have expired.

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Primary Contacts:

Name: Deborah K. Blacik, Rule Specialist

Address: Arizona Department of Environmental Quality
3033 North Central Avenue, 8th Floor
Phoenix, AZ 85012

Telephone: (602) 207-2223 or (800) 234-5677, Ext. 2223 (Arizona only)

Fax: (602) 207-2251

and

Name: Barry Abbott, Program Supervisor

Address: Arizona Department of Environmental Quality
3033 North Central Avenue
Phoenix, AZ 85012

Telephone: (602) 207-2226 or (800) 234-5677, Ext. 2226 (Arizona only)

Fax: (602) 207-2383

Secondary Contact:

Name: Martha Seaman, Rule Development Manager

Address: Arizona Department of Environmental Quality
3033 North Central Avenue, 8th Floor
Phoenix, AZ 85012

Telephone: (602) 207-2221 or (800) 234-5677, Ext. 2221 (Arizona only)

Fax: (602) 207-2251

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

To be announced in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

- 1. Title and its heading:** 20, Commerce, Banking, and Insurance
- Chapter and its heading:** 5, Industrial Commission of Arizona
- Articles and their headings:** 1, Rules of Procedure For Workers' Compensation Hearings Before the Industrial Commission of Arizona

Notices of Rulemaking Docket Opening

Section numbers: R20-5-101 through R20-5-110, R20-5-112 through R20-5-119, R20-5-121, R20-5-123 through R20-5-131, R20-5-133, R20-5-134, R20-5-136 through R20-5-160, R20-5-162 through R20-5-164

2. The subject matter of the proposed rule:

The proposed amendments address workers' compensation practice and procedure before the Industrial Commission of Arizona.

The agency docket number, if applicable:

None

3. A citation to all published notices relating to the proceeding:

Notice of Rulemaking Docket Opening: 2 A.A.R. 1107, March 1, 1996

Notice of Formal Rulemaking Advisory Committee: 2 A.A.R. 1109, March 1, 1996

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Laura L. McGrory
Assistant Chief Counsel

Address: Industrial Commission of Arizona
Legal Division
800 West Washington St., Suite 303
Phoenix Arizona 85007

Telephone: (602) 542-5781

Fax: (602) 542-6783

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written and oral comments will be accepted between 8:00 a.m. and 5:00 p.m., Monday through Friday (excluding holidays), at the address listed in paragraph #4 until the close of record.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined